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6 Attorneys for Defendant / Plaintiff
SAN DIEGO UNIFIED SCHOOL DISTRICT

8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA

11 T.B., et al.,

12 Plaintiffs,

13 v.

14 SAN DIEGO UNIFIED SCHOOL
15 DISTRICT,
16 Defendants.

18
19 SAN DIEGO UNIFIED SCHOOL
20 DISTRICT,

21 Plaintiff,

22 V.

23 T.B., et al.,

24 Defendants.

Case No.: 08 CV 0028 MMA (WMc),
[Consolidated with
Case No. 08 CV 0039 L RBB]

**STIPULATION REGARDING
SECOND AMENDED COMPLAINT**

Dept: Courtroom 5
Judge: Hon. Michael M. Anello

Second Amended Complaint Filed: May
8, 2009

1 Plaintiffs T.B., a minor, Allison Brenneise and Robert Brenneise
2 (collectively, "Plaintiffs"), and Defendant San Diego Unified School District
3 ("Defendant"), hereby stipulate to the following:

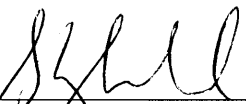
- 4 1. Plaintiffs' Fourth, Fifth, Sixth, and Seventh Claims for Relief
5 of their Second Amended Complaint are intended by Plaintiffs
6 to be limited to claims that accrued on or after August 31,
7 2006. Plaintiffs are not seeking any remedy for injury they
8 may have sustained before August 31, 2006 with respect to
9 those claims.
- 10 2. Plaintiffs have not alleged a claim, and do not intend to allege
11 a claim, under the California Unruh Civil Rights Act in their
12 Second Amended Complaint, despite references to that Act in
13 paragraphs 1, 6, and 8.
- 14 3. Defendant shall file an answer to the Second Amended
15 Complaint no later than June 5, 2009, and will not bring a
16 motion to dismiss the Second Amended Complaint pursuant to
17 Federal Rules of Civil Procedure Rule 12(b). However, this
18 agreement to not bring a motion to dismiss shall not prevent
19 Defendant from raising any defense available to it by any other
20 type of motion, in an answer, or at trial.

21 Based on the stipulations above, the Parties hereby request the Court vacate
22 the telephonic conference set for June 5, 2009 at 4:00 PM regarding the
23 Defendant's proposed motion to dismiss pursuant to Federal Rules of Civil
24 Procedure Rule 12(b).

25 IT IS SO STIPULATED.
26
27
28


1 DATED: 6/2/09

MILLER BROWN & DANNIS

2
3 By:  Sarah Sutherland
4 AMY R. LEVINE
5 SARAH L.W. SUTHERLAND
6 Attorneys for Defendant/Plaintiff
SAN DIEGO UNIFIED SCHOOL
DISTRICT

7 DATED: 6.2.09

WYNER & TIFFANY

8
9 By: 
10 STEVEN WYNER
11 MARCY TIFFANY
12 Attorneys for Plaintiffs/Defendants
13 T.B., et al.
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CERTIFICATE OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

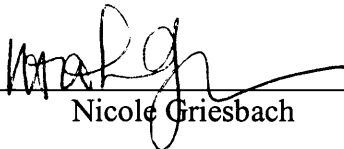
I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is: 750 B Street, Suite 2310, San Diego, California, 92101.

On the date set forth below I caused the following documents:

STIPULATION REGARDING SECOND AMENDED COMPLAINT

to be served on Plaintiffs/Defendants by serving counsel of record electronically, having verified on the court's CM/ECF website that such counsel is currently on the list to receive emails for this case, and that there are no attorneys on the manual notice list.

Dated: June 2, 2009



Nicole Griesbach

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